

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ELOISA CHAVEZ-GARCIA,**

**Defendant.**

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**8:06CR388**

**TRIAL ORDER**

This matter was originally scheduled to be tried the week of March 19, 2007. After numerous continuances, the matter was removed from the trial docket and ultimately scheduled for a change of plea hearing to be held October 5, 2007. On October 4, 2007, however, defense counsel orally informed the court that the defendant did not intend to change her plea. Defense counsel requested that the plea hearing be cancelled and that the case be returned to the trial docket and set for trial in the week of November 20, 2007.

**IT IS ORDERED:**

1. This case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **Tuesday, November 20, 2007 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant must be present in person.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by accommodating defense counsel's request that trial be held in November 2007, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **October 4, 2007 and November 20, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Any motions for a continuance of this trial date shall be filed no later than **October 30, 2007** and shall (a) set forth the reasons why the moving party believes that the additional time should be allowed and (b) justify the additional time, citing specific references to the appropriate section(s) of the Speedy Trial Act, 18 U.S.C. § 3161 et seq. Any

defense motion for continuance shall be accompanied by a written affidavit or declaration signed by the defendant in accordance with NECrimR 12.1.

4. Counsel for the United States shall confer with defense counsel and notify the court no later than **November 13, 2007** of the anticipated length of trial.

**DATED October 4, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**